



# WESTERN CEMETERY ALLIANCE

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Secretary  
Federal Trade Commission  
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Re: 16 CFR Part 453



On behalf of the members of the Western Cemetery Alliance, I would like to submit the following comments concerning the Trade Regulation Rule on Funeral Industry Practices (16 CFR Part 453). The Western Cemetery Alliance represents cemeteries located in 13 western states of the United States.

The Western Cemetery Alliance **opposes** the expansion of the Rule's definition of "funeral provider" to include cemeteries, because of the following reasons:

- **The cemetery industry and funeral industry are two, separate industries.**

During the last few years the media and others have begun referring to the "death care industry". This generalization masks the fact that the funeral industry and the cemetery industry are separate and distinct. The cemetery industry demands a focus on land use planning, development and maintenance, major construction, extremely long term financial planning via endowments and trusts and maintaining relationships with families through multiple generations. The funeral industry centers on the preparation of human remains for interment, the sale of funeral merchandise and the conducting of memorial services. In most cases, the funeral home / family contact spans three to four days.

From a regulatory standpoint, treating the two industries as one leads to overly-complex regulations that are counter productive. Agencies attempt to develop regulations which are appropriate to both industries. But, because of the industry divergence, the attempted regulations are unworkable at best. At worst, they do a disservice to consumers and the industries through the creation and perpetuation of inaccurate information and ideas. We can provide you with examples.

- **FTC Funeral Rule inclusion of cemeteries would create confusion in the marketplace when the majority of cemeteries are not-for-profit and therefore would be exempted from FTC jurisdiction.**